

United States District Court of Montana, Missoula Division

Complaint

Greg Herron

, Plaintiff

V-

Mineral County

Mineral County Administrators

Wayne Cashman - Undersheriff

Mike Toth - Sheriff

Dolan Simons - Commissioner

Dawn Terri - Commissioner

Debra Jackson - Prosecutor

, Respondants

DEC 07 2022

Clerk, U.S. Courts
District of Montana
Missoula Division

Jury Trial Demanded

Greg Herron, was confined at the Mineral County Jail, located at P.O. Box 99 Superior Montana from March 13th 2022 until Oct 27th 2022 for a total of 229 days.

Defendant, Mike Torn is and was at all times relevant times herein the Sheriff, Superintendent of the Mineral County jail. As Sheriff of the jail the defendant manages the day to day operations and executes its policies.

Defendant, Wayne Cashman, undersheriff is and was at all relevant times herein undersheriff, assisting Superintendent of the mineral County jail. As undersheriff of the jail the defendant assist's in managing the day to day operations and executes its policies.

Defendant Mineral County, is and was at all relevant times herein a Municipal corporation of the State of Montana.

Defendant, Mineral County administrators is and was at all times relevant herein of adult services for the city of Superior Montana, with responsibility for operating and maintaining detention, penal, and corrective institutions within the city of Superior including the mineral county jail.

Defendant Duan Simons, County commissioner is and was at all times relevant herein of the allotment of funds and services for the city of Superior Montana, with responsibility for operating and maintaining detention, penal, and corrective institutes within the city of Superior including the

mineral county jail

Defendant, Dawn Terril ~~was~~ County Commissioner is and was at all times relevant herein of the allotment of funds and services for the city of Superior Montana, with responsibility for operating and maintaining detention, penal, and corrective institutions within the city of Superior including the mineral county jail.

Defendant, Debra Jackson, County attorney for mineral county is and was county attorney /~~the~~ prosecutor and as a person, is and was at all relevant times herein an employee of the county

This action arises under and is brought Pursuant to 42 U.S.C. Section 1983 to remedy the deprivations under color of state law, of rights guaranteed by the Eighth and Fourteenth amendments to the United States Constitution. This court has jurisdiction over this action Pursuant to 28 U.S.C. Sections 331 and 1343, Plaintiff claims for injunctive relief are authorized by rule 65 of the federal rules of civil procedure, This cause of action arose in the District of Montana - Missoula Division, therefore, venue is proper under 28 U.S.C. Section 1331(b)

Plaintiff has no other lawsuits dealing with the same facts involved in this action or otherwise relating to their imprisonment.

Plaintiff has exhausted all available administrative remedies within the Mineral County Jail. Grievances, kites and requests are maintained in this lawsuit as problems severe and minor, going ignored, and overlooked - See attachments.

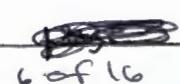
At all Relevant times herein, Defendants were "Persons" for the purpose of 42 U.S.C., Section 1983 and acted under color of law to deprive Plaintiff (Greg Herron) of his constitutional rights, as set forth more fully below,

Personal Statement:

• No heat or AC/no free air/or circulating air of any kind in pods & cells * The unit was broke when I got there and it was known by all staff * There solution for the heat was to issue 3 blankets * The solution for no AC was 3 fans (one regular box fan, one Normall osilating tall stand fan, one floor fan used for drying floors) * These fans were only brought in after we did a stand down refusing to lock our doors do to inhumane heats in our cells. The two man cells were temps of 87° to 92°, the four man cells (were I was located) were reaching temps of 92° to 98°, these temps were taken by CO-s with a digital heat Gun by them. The night of the stand down Many of us were given the option to sleep in outside Rec area on our mats. Eight out of 12 chose that. The others stayed in to make sure they would not close our cells. My 4 man cell was so hot as Two guys on the top bunks (Greg Heron, Billy Fingard) was sleeping on the floor curled around the toilet to try to stay cool. They had extention cords Ran every were and soon took ~~two~~ two of our fans and replaced it only with a dehumidifier. We wrote kites/no answer/Grievances to the Under sheriff, no answer complained to the sheriffs that would walk threw, nothing! the CO-s, nothing but lie after lie after lie from them all.

• PBA

No place to get dressed, undressed, dried off with out being viewed by (day room of the block, the ~~red~~ video visits on the Kiosk, the hall ways with people going to and from court. 911 Civilian dispatchers, CO-s both ~~male~~ male and female, male and female inmates, workers, maintenance, visitors. They do have these panels in place but you still are in plain ~~see~~ ~~see~~

when people walk threw the hall to the court rooms, and court house. When I first got there we put up sheets to cover us and the whole block got locked down. I went threw and put paper over every hole in the panel to help, a person still being able to be viewed by day room. I B block (Inmate worker dorm) You can be seen by all going to and from court the minute they open the door at the angle of the Hallway. The entire day room, all the girls going to and from Rec same as all the other staff. This viewing was shown by myself to CO Ratliff and CO MAY. This is using the dry off area and dressing and undressing area provided. Block C population are as I said above, the worst is the viewing of the kiosk why she would be viewed or our people (kids family, parents, any and all have to see that on a video visit) have to see that. D block (the shu) Viewed by 3/4 of the bubble (911 dispatchers, both male and female who are civilians, CO-s male and female, all and everyone going to and from the door to court, there is know way to get dressed, undressed, dried off without being seen. And using the bathroom going #1 and #2 there is no privacy in plain view to all even the reflection in the window of C Block (population) Some CO-s would close the door a 1/4 the way some would not. The showers no solution. The PREA brochure in the window of every block (A-D) were from when the jail was open before The jail was closed down for 8 or 9 years (do not quote me on that) were out dated the 1800 # provided 

wrong did not work. So we went to the kiosk (where hand book and jail policies were) and the 1800 # was different so we tried it. Did not work, with this concern I reached out to my mother ~~John~~ MaryAnna Rich and she reached out to # higher up for (DOC) and he said that those #s and that contract had been over for years. So we wrote a grievance and filled out a PREA Kite on the kiosks. We got no ~~response~~ response from anyone. We were being violated in so many ways, and nothing at all was done.

• 24 hour camera in General population Block C. cell D. 4 man cell I was put in this cell twice with inmate White, Howard, myself the second time Finnigan, Allen, myself and another man? They had 24 hour camera on us. We were under no disciplinary action no suicide watch, nothing of the sort just general population and they still had 24 hour camera on us. Kites and Grievances were filed and nothing. Watching us 24 hours (changing cloths, going #1, #2 and the camera faces right at toilet and bunks).

Handbook

Was still from when the jail was open some 8 years ago. The Stg. Names was wrong, that person did not exist. Yet that was who kites and Grievances were suppose to go. PREA #Wrong, No DHO hearing process. So if you got in trouble you got sent to the hole (SHU) with no formal write up, no class 1, 2, 3 write up, nothing. They had no DHO process, hearing or hearings officer. The rules ~~pre~~ 7 of 16

were out dated. So who opens a (business, jail or institution) without an updated hand book for employees, inmates and so on. How are we supposed to know what rules to follow when they are so outdated that the person we are supposed to contact for higher authority does not even exist! I got in trouble for not calling up do to a Rash on my junk and needing Dr's Care and went to the hole (SHU) for over 2 months with out a write up, a hearing, a class 1,2 or 3 write up or (shot) just sat in isolation for that time. During that time the hand book was updated. But still nothing just sat in the shu.

No Religious Services, Mental health, No self help or Self help Books
No religious Services, I went out of my way to recruit a Pastor (with MaryAnna's help) to come do services, nothing was told it was not the Under Sheriff's job to provide that. We needed to find our own, Books AA&NA were donated from my Mom (MaryAnne Rich) they were denied, there is no one of any profession to talk about mental health they do not take our mental health needs serious. After a mental health break down from being put on the new meds for way to. I had a mental break down and my actions were only going to be used for training per CO Bizzzy. I chose to be put on a Kosher Diet do to my Research and choice of Jewish religion and it was made a ~~mocharay~~, NO proper preparation, same ~~per~~

the food so many times was the same just a different dessert. Food was served open with no covering on the same trays as all other inmates. I nicely put together a list of foods, proper preparation and ways to serve on a ksite to help out seen how I had been the head cook at Gallatin Co. Jail for 13 months I had cook, served and prepared 100's of kosher meals. But it was no good just a continuous slap in the face on our choice. A Torah was also asked for multiple times but never provided. One Pastor came in to see me when they had one in the SHU and asked if I would like a one on one and I said anything would be good and never saw him again. He was sent by cashman a friend of his 30 year retired Cop from California but I told the man I did not care if he was a pastor, but I never saw him again. I feel it was a joke from Undersheriff cashman to shut me up.

Qualified medical person to answer kites, grievances, medical Questions CO Scott 22 year old with no medical Qualifications (per there updated hand book says all medical kite and Grievance will be handled be a qualified medical position) Medical appointments are not returned to in the time set by doctors. I was put on new mental health med Prozac was supposed to be seen in 2 weeks for check up / follow up and was not returned to Dr for ~~7 1/2~~ weeks (after my mental health break down and major thoughts of suicide) The second time ~~switched~~ switched mental health Meds and had bad ~~problems~~

(5) reactions and was supposed to be back for check up in 2 weeks, ended up 5 1/2 weeks later after a bunch of kites on Grievances, they finally got be back to Dr. The hospital change there whole policy in order to help the so called break down of communication on the jails side. It was so bad the hospital had me sign a Third Party Release for My Mother MaryAnne Rich to third Party the hospital (Per there request) to make sure I was having the proper follow ups. It took them 2 1/2 months to get me into the Dr after 15 unanswered kites over that time period. Them knowing I have CLL Chronic Lymphoma Leukemia, terminal cancer. There was 2 times By Undersheriff Cashman that my CT scans that were Ordered By my Dr that were denied (to costly) One time by CO Bizzy per Cashmans orders. The last time my Dr said I was not leaving the hospital until my blood work was done and a CT scan. CO Ratliff called multiple times got no answer then said I agree and they didn't. Medical was a non stop fight there all the time with so many people suffering, mentally, physically, emotionally only to get responses from a Bro pose unqualified 22 year old CO.

Living conditions

Black mold in showers. Block B inmate worker, Block C population. Only Sample given for classes. 120 ~~100~~

(5) bacteria kill, germ kill or disinfectant of any kind. If was that way for months till they got a false positive Covid test then all the sudden disinfectant Wipes, bleach, bacteria cleaner a long handle scrub brush and before only a hand held scrub brush to scrub black mold - A person can drink simple green - I was an inmate worker for months and only had a hand held scrub brush, normal gloves to scrub the black mold in showers when they came in to do it they moved us all to outdoor B&C. Had heavy Rubber gloves, glasses, and masks as well as a long handled scrub brush and a chemical in a pump sprayer. I had none of that. Had to fight to get boxes, tshirts, pillow cases when we had none of large sizes, washer and dryer were rugged half assed to work for a month washer still leaked and dryer had a dead bolt to hold door closed. Ran out of gloves for me as inmate worker for 4 days and there was know hep C and Herpees simplex 2, 2 cases of both and after that is when I got the rash on my privates and that is what the whole lock down was about I had showed Two CO-s my man hood the rash and the both said it was not the heat Rash as CO Scott had guessed it was. That was why I went from inmate worker the 5th (outside washers cop cars) to population the 6th to the Shu locked down. The 7th were I stayed for 2 months all over a [redacted]

rash I wanted to go to the Dr for. Making it 50 years will out an STD, I wanted to stay that way and yes I thought it was life threatening, Both are for life.

Grievance process

No legal or proper Grievance process, No 3 page carbon copy (Just a printed Grievance sheet) No process other than the kiosk which I would do a verball, then a kiosk, then a written and most time know response, A few were that I took to written step. I have you know I have done a lot of time in both CO jails & Prisons that I have never filed a grievance/had a write up of any sort in years of time. I also have never had so many civil rights, rules or regulations (laws by MT) broke or been treated so poorly. (Inhumane at times for a long amount of time with No AC)

Money Orders

They cashed my U.S. Postal money orders from My Mother Maryfling Rich, signed them them selves. Every other jail brings me the Money order (Bozeman, Missoula, Billings, CDA) have me sign it take it back put it on my books then give me a receipt. I have never signed one. Other people had House deposits, Workmans COMP, Rental Deposits, pay checks that were never signed by them. Leaving a ~~page~~ 17 of 16

not knowing the amount your people sent till you asked them. Sometimes they would put the amount on your kiosk account in a receipt (kite) form sometimes not.

Public defenders

Some times months (for sure weeks) before people get them, multiple kites to talk to or see PNP Valerie chestnut, never a meeting or response to kites sent

911 Dispatcher. PREA, verbal abuse

A civilian 911 Dispatcher Tiffany (while CO Rizzo the head in command) Asking my friend another Inmate worker why he was shaving another mans back in the day room with the electric clippers (my back cuz I am hairy, Edward Dampshen the other inmate worker) Her saying is that not gay and who are we trying to impress any way when we are locked up with a bunch of men. When we were working out say to Edward Dampshen and I that even threw 3 layers of glass we still don't look good. That does not help two guys that are already having mental health issues, he being denied his mental health meds for weeks do to running out and prolonged getting to Dr. Then after he went to Dr. they denied two of the prescriptions due to cost. I also had two run in with her Tiffany coming into the kitchen were I was doing dishes

as an inmate Worker and she asked for a banana and said she liked her banana's big and thick. I told CO LOWREY This and he said oh she's up that this again she has already been told by the Under sheriff to have no interaction with the inmates. Also another run in with her in the laundry room were I mentioned it to CO Cromeriss and he said he was supposed to log any interaction and I was supposed to tell him if it happened any more. But it was no good trying to use PREA cuz nothing worked!

CO's in Dr's Visits (in the room).

Both Male and Female CO's sitting in my Dr's rooms when My Dr and I were sharing all my personal Info, Emotional break downs from cancer, not wanting to live, Medical problems and asked to leave and said no, I told them they were to sit outside the room when Dr and I agreed (Dr having no problems with it, feeling no ~~throat~~ throat, I was hand cuffed, belly chained, and leg irons). But they refused. CO Ratliff sat in as I got naked to have my man hood looked at for the Rash previously talked about was looked at. Right in front of me in a chair while my penis and balls were inspected and fested. That is against Hipa Law, very personal and very embarrassing he was asked to step out side and he refused.

wrong meds amounts & times

CO Scott was giving me the wrong amount of

~~PREA~~
14 of 18

meds at the wrong times (double the amounts, twice a day). Due to the Jail not being able to get us to the Dr's at the set times and dates set by the hospital. There Lawyer changed the Policy. After a visit an inmate and CO would write detailed instructions on the Meds, times, amounts, and kinds were printed out and given to the CO (stapled copy) unstapled copy to Inmate. Also on these were return date of Next visit and any other Important instructions. CO Scott was giving me twice the amounts twice a day Giving me blood Pressures Of 228 / 180 / 212 / 179 246 / 169 and so many More (heart attack Levels) I told her and she only argued how she new how to read the sheets and instructions. CO Courtney said she was doing it wrong so did CO ~~Gone~~ Cromeress, But she only said she new what she was doing and pulled seniority on them. Up on going back to the Dr's CO Cromeress took the sheet which had there Questions of CO Scotts doing and the Dr flipped out saying I could have had a heart attack and so on. CO Scott did not care just and excuse from Under sheriff Cashman of she miss understood the directions. All the Heart rates Were logged by jail

I Greg Herron declare under Penalty of Perjury that
the foregoing is true and correct

x Gregory W. Herron
Plaintiff, Greg Herron

Dated: 11-22-2022

Prayer for Relief

Plaintiff Request an order declaring that the defendants acted in violation of the United States Constitution

Plaintiff requests an injunction compelling the defendants to provide adequate conditions of inmate housing, classification, and Safety. Adequate medical care and proper medical staff to pass medication, Adequate legal law library access, Adequate fire safety equipment, Adequate Judicial System within Mineral County, Adequate Judges, County attorneys and assistants, Public Defenders, and contracted attorneys, Adequate room for attorney visits, Adequate staffing, Kitchen staff / officers, Adequate Staff to keep record of Safety, Sanitation, of plumbing, heating, ventilation and all maintenance.

Adequate oversight or commissioner to ensure the defendants comply with courts Judgment, and not just depend on filing of paperwork, and actually see for themselves. Adequate Pre awareness conditions and training, And Adequate conditions that the court sees fit and just

Plaintiff requests Defendants be charged with mistreating prisoners, (45-5-204. MCA.) .

Plaintiff requests \$1,500.⁰⁰ for each day housed in the Mineral County Jail Facility, as compensatory damages

Plaintiff requests \$ 1,500,000.⁰⁰ For punitive damages,

incurred by the harsh living conditions and mistreatment of prisoners, as well as the malicious prosecution and handling of criminal and judicial matters in Mineral County Jail and District courts.

Plaintiff requests attorney fees and costs for any and all attorneys / legal counsel assigned to plaintiff in the foregoing matter.

Signed this - November 22, of 2022

x Greg W. Herron
Plaintiff, Greg Herron